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February 13, 2023

BY ECF

Honorable Colleen McMahon
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

In Re: *Adam Gray et al. v. City of New York et al.*,
No. 21 Civ. 6610 (CM) (GWG)

Your Honor:

I am a Special Associate Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and I am among the attorneys representing the City of New York (the "City") and the other answering defendants in this matter. I write to respectfully request a forty-five (45) day enlargement of time until March 30, 2023, for Sergeant Christopher B. Hewitson ("Hewitson") to answer or otherwise respond to the Second Amended Complaint. This is Hewitson's first such request to the Court and no other dates will be affected by this request. We contacted Plaintiffs' counsel on February 10, 2023 about consenting to this request, and they indicated they would consider it, but we have not received their consent as of this writing.

By way of background, Plaintiffs filed the Second Amended Complaint on November 22, 2022, alleging that, on multiple dates, members of the New York City Police Department ("NYPD") used excessive force and unlawfully arrested plaintiffs. *See* Docket No. 92. As such, Plaintiffs assert numerous federal law based claims against the City and several NYPD officers, including Hewitson. Parties agreed amongst themselves to permit Hewitson to file and serve his answer to the Second Amended Complaint by February 13, 2023 in order to permit the City time to investigate and determine whether it may assume legal representation for Hewitson.

The City has concluded its investigation and has determined that it will be unable to provide representation to Hewitson at this time. Accordingly, the reason for seeking the enlargement for Hewitson in this matter is to provide him time to obtain legal counsel.

For the reasons set forth herein, we respectfully request that the Court enlarge Hewitson's time to answer or otherwise respond to the Second Amended Complaint until March 30, 2023.

Thank you for your time and attention to this matter.

Respectfully submitted,

Peter Scutero

Peter Scutero
Special Associate Counsel
Special Federal Litigation Division

cc: ALL COUNSEL (via ECF)